



#14

PATENT APPLICATION
Do. No.5038-63

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John B. Halbert et al.

U.S. Serial No. 09/678,751

Examiner:

Pierre M. Vital

Filed: October 3, 2000

Group Art Unit:

2188

For:

BUFFERED MEMORY MODULE SUPPORTING HIGH-SPEED
SYSTEM MEMORY BUS USING WIDER MEMORY MODULE
BUS (as amended)

Confirm. No.: 5518

RECEIVED

DEC 16 2003

OFFICE OF PETITIONS

PETITION FOR WITHDRAWAL FROM ISSUE (37 C.F.R. § 1.313) AND
REQUEST FOR REFUND OF IDS FEE AND ISSUE FEE

Attn: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The applicant's petition to withdraw the above-referenced application from issue pursuant to 35 U.S.C. § 1.313(c)(2) for consideration of a request for continued examination.

1. Petition fee:

 Large entity fee \$130.00 (37 C.F.R. § 1.17(h))2. STATEMENT

The applicants filed a Supplemental Information Disclosure Statement by first class mail to the U.S.P.T.O. on September 25, 2003, OIPE stamped for September 29, 2003, and received in the Technology Center on October 7, 2003. The IDS was filed under 37 C.F.R. § 1.97(c) with the fee. At the time of filing, however,

12/15/2003 YPOLITE1 00000031 09678751

02 FC:1460

130.00 OP

PETITION TO WITHDRAW FROM ISSUANCE
REQUEST FOR REFUND

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DO. NO 5038-63

a Final Office action was pending and therefore the filing under 37 C.F.R. § 1.97(c) was mistaken.

Subsequent to the filing of the IDS, applicants filed a response to the Final Office action, on October 3, 2003. The Examiner initiated a telephonic interview with the applicant's attorney on October 9, 2003, to discuss the October 3 response, but did not indicate any irregularity in the IDS. During the interview only minor changes to the claims and informalities to the abstract were discussed. There was not any indication given at that time that the Supplemental IDS and cited references would not be considered.

The Notice of Allowance was issued and mailed October 22, 2003, still with no indication that the Supplemental IDS would not be considered. The Notice of Allowability papers showed there were items pending with the application, such as the request to submit a formal statement regarding the telephonic interview, but did not include a MPEP § 609.49 paragraph, which would have clarified the status of the IDS. The applicant's attorney submitted the required interview summary by the one month deadline, November 20, 2003, along with the issue fee payment. The Examiner's notice that the Supplemental IDS would not be considered was finally mailed the same day, November 20, 2003. Had applicants known upon receiving the Notice of Allowance, or at any other time prior to paying the issue fee, that the IDS was in error and would not be considered, the issue fee would not have been paid and a Request for Continued Examination would have been filed.

The applicants respectfully request the application be withdrawn from issuance, and submit herewith a Request for Continued Examination in order to file a corrected Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97(b)(4).

3. Other: Notice of IDS not considered Paper No. 11 (Copies)
4. Request for Refund:
 - Applicant requests refund of the Supplemental IDS fee for the IDS that was not considered.
 - Applicant requests refund of the issue fee that would not have been forwarded in conjunction with the interview summary had the Notice of non-consideration of the IDS submitted been indicated, or processed in a more timely manner with regard to the Notice of Allowance.

Applicant requests the refunds be credited to Deposit Account

No. 13-1703

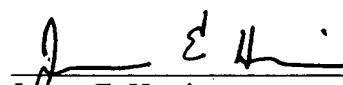
5. Fee Payment:

- PTO Form 2038 authorizing credit card payment for the above-listed fees is enclosed (\$130.00 petition fee).
 Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

Customer No. 20575

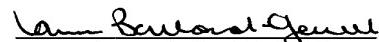
Respectfully submitted,

Marger Johnson & McCollom, P.C.
1030 SW Morrison Street
Portland, Oregon 97205
(503) 222-3613



James E. Harris
Registration Number

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA22313-1450
Date: December 10, 2003

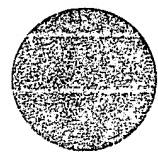


Lauren Ballard-Gemmell



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,751	10/03/2000	John B. Halbert	5038-63	5518

20575 7590 11/20/2003
MARGER JOHNSON & MCCOLLOM PC
1030 SW MORRISON STREET
PORTLAND, OR 97205

EXAMINER	
VITAL, PIERRE M	
ART UNIT	PAPER NUMBER
2188	

DATE MAILED: 11/20/2003

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OFFICE OF PETITIONS

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

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APPLICATION NO./
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FILING DATE

FIRST NAMED INVENTOR /
PATENT IN REEXAMINATION

ATTORNEY DOCKET NO.

EXAMINER

ART UNIT

PAPER

11

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DATE MAILED:

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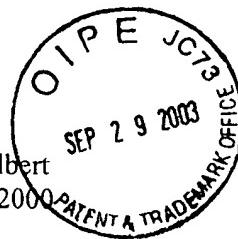
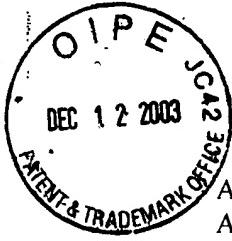
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The Supplemental Information Disclosure Statement (IDS) filed 9/29/03 and submitted under 37 CFR 1.97 (c) has not been considered by the Examiner because it does not contain a statement under 37 CFR 1.97 (e) as required when filed after final action or notice or allowance.

REGINALD G. BRAGDON
PRIMARY EXAMINER

COPY



PATENT APPLICATION

Atty. Docket No.: 5038-063
 Applicant: John B. Halbert
 Filing Date: October 3, 2000

Serial No. 09/678,751
 Group: 2188

INFORMATION DISCLOSURE CITATION FORM PTO-1449 (Modified)

U.S. PATENT DOCUMENTS

<u>Exam</u>	<u>Document</u>	<u>Issue</u>		<u>Sub</u>
<u>Init</u>	<u>Number</u>	<u>Date</u>	<u>Name</u>	<u>Class</u>
—	6,502,161 B1	Dec. 31, 2002	Perego et al.	711
—	6,345,321 B1	Feb. 5, 2002	Litaize et al.	710

FOREIGN PATENT DOCUMENTS

<u>Exam</u>	<u>Document</u>	<u>Publication</u>		<u>Name</u>
<u>Init</u>	<u>Number</u>	<u>Date</u>	<u>Country</u>	
—	—	—	—	—

OTHER DOCUMENTS

Exam Init Ref (Author, Title, Date, Pertinent Pages, Etc.)

— — — Intel Corporation, International Application No. PCT/US98/25181,
 International Filing Date: Nov. 23, 1998

Technology Center 2100

OCT 07 2003

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Examiner: _____

Date Considered: _____

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